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FISCAL IMPACT STATEMENT

LS 7596

BILL NUMBER: HB 1623

NOTE PREPARED: Feb 16, 2007

BILL AMENDED: Feb 15, 2007

SUBJECT: Highway Work Zone Safety.

FIRST AUTHOR: Rep. Oxley

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill:

- (1) requires the Department of Transportation (INDOT) to design and manufacture signs to inform drivers of offenses and penalties related to operating a vehicle in or near highway work zones;
- (2) establishes higher minimum penalties for exceeding posted highway work zone speed limits;
- (3) establishes various offenses related to operating a vehicle in or near highway work zones; and
- (4) requires that funds collected as judgments for violating the speed limit in a highway work zone be transferred to the INDOT to pay the costs of hiring off-duty police officers to perform certain duties.

Effective Date: July 1, 2007.

Explanation of State Expenditures: (Revised) *Design and Manufacture of Signs:* The cost to design, fabricate, and manufacture the signs required in this proposal will range in cost from \$97 per sign to \$137 per sign, depending upon where the sign is used. For bridge projects, the cost per sign is \$137, while for a resurfacing project, the cost per sign is \$97. The overall cost will depend upon the number of signs used and the type of project(s) involved. The fund affected is the State Highway Fund.

Penalty Provisions: This bill has several provisions modifying and establishing penalties for various offenses related to driving in or near worksites. The number of new offenses that will occur and to which the new penalties will be applied is unknown.

A Class C felony is punishable by a prison term ranging from 2 to 8 years, depending upon mitigating and aggravating circumstances. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances.

The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,139.

The average length of stay in DOC facilities for all Class C felony offenders is approximately 2 years, and for all Class D felony offenders is approximately 10 months .

Explanation of State Revenues: (Revised) *Penalty Provisions:* If court actions are filed and a judgment is entered, a court fee of \$70 for infractions or \$120 for felonies and misdemeanors would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

If additional court cases occur and judgments are collected, revenue to the state General Fund may increase. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund. The bill establishes a floor for the infraction judgment based on the following circumstances:

- (1) If the person has not previously committed the infraction of violating a speed limit set under this section of the bill, a judgment of at least \$300;
- (2) If the person has committed one infraction of violating a speed limit set under this section in the previous three years, a judgment of at least \$500; and
- (3) If the person has committed two or more infractions of violating a speed limit set under this section in the previous three years, a judgment of at least \$1,000.

If additional court cases for misdemeanors and felonies occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000 and for a Class C or D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

- (4) Requiring that judgments for violating the speed limit in a highway work zone be transferred to the INDOT will result in additional revenue for the INDOT. Currently, these funds are deposited into the state General Fund. The specific impact will depend upon the number of such violations.

Explanation of Local Expenditures: *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record (\$70 court fee for infractions). Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Department of Transportation; Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies; Political subdivisions involved with worksite speed limits.

Information Sources: Indiana Sheriffs' Association, Department of Correction; Larry Rust, Department of Transportation, 317-232-5549.

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